

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GREGORY SCOTT WAGNER,

Petitioner,

: Case No. 3:22-cv-369

- vs -

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

WARDEN, Belmont Correctional
Institution,

:

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS (Doc. No. 12)

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 12) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting no objections were filed thereafter, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that the Petition be **DISMISSED** with prejudice. Petitioner is **DENIED** any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

March 12, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge